

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08-00649-CV-W-FJG
	)	
UNITED STATES CURRENCY IN THE	)	
AMOUNT OF \$43,920.00, et al.	)	
	)	
Defendants.	)	

**ORDER**

Pending before the Court is Claimant Larry Paul Goodyke's second Motion to Vacate Summary Judgment Order (Doc. No. 55). Claimant seeks to vacate the Court's Order granting Summary Judgment for Plaintiff, entered on March 14, 2010 (Doc. No. 48).

In this civil forfeiture action, the Court's summary judgment ruling allowed the government to seize the property named in the Complaint due to its involvement in the criminal violations for which Goodyke was convicted. Claimant moves the Court to vacate the Summary Judgment Order pursuant to Federal Rule of Civil Procedure 60(b), which sets forth grounds for relief from a final judgment, order, or proceeding. Claimant argues he was deprived of due process of law because he did not receive a copy of Plaintiff's Motion for Summary Judgment or this Court's Order granting Summary Judgment until long after the Court issued the ruling. Goodyke raised the same argument in his first Motion to Vacate (Doc. No. 50), which we denied. That ruling, contained in the Court's order of March 14, 2010 (Doc. No. 48), is now the law of the case, and there is no need to revisit it. See Pepper v. United States, 131 S. Ct.

1229, 1250 (2011) (when a court decides upon a rule of law, law of the case doctrine posits that decision should continue to govern the same issues in subsequent stages in the same case).

Claimant has set forth additional arguments in the pending motion that he claims entitle him to relief under Rule 60(b). However, because he could have raised each of his arguments at the summary judgment stage, Rule 60(b) is of no avail. See Broadway v. Norris, 193 F.3d 987, 990 (8<sup>th</sup> Cir. 1999). Accordingly, Claimant's Motion to Vacate Summary Judgment Order (Doc. No. 55) is hereby **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk of the Court send a copy of this order via regular and certified mail to Claimant at the following address: Larry Paul Goodyke, 429530-048, La Tuna Federal Correctional Institution, P.O. Box 3000, Anthony, NM 88021.

**IT IS SO ORDERED.**

Date: 04/15/11  
Kansas City, Missouri

**/s/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge